

DECEMBER 2003

## SECTION I

*Executive Summary, Compliance Audits,  
Analysis of the Findings, and Recommendations*

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# Report on the Implementation of the

# Charter for the Protection of Children and Young People

OFFICE OF CHILD AND  
YOUTH PROTECTION

•  
NATIONAL  
REVIEW BOARD

•  
UNITED STATES  
CONFERENCE OF  
CATHOLIC BISHOPS

United States Conference of Catholic Bishops  
Washington, D.C.

*Report on the Implementation of the "Charter for the Protection of Children and Young People"* was prepared by the Office of Child and Youth Protection and the National Review Board of the United States Conference of Catholic Bishops (USCCB). It was reviewed by the USCCB President, Bishop Wilton D. Gregory, SLD, and has been authorized for publication by the undersigned.

—Msgr. William P. Fay  
General Secretary, USCCB

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# Introduction

Most Reverend Wilton D. Gregory, SLD  
President, United States Conference of Catholic Bishops

When the Catholic bishops of the United States adopted the *Charter for the Protection of Children and Young People* at our General Meeting in Dallas in June 2002, we were determined not only to take the steps necessary to deal with this terrible crisis but also to create the means by which we could be held accountable for making certain that these steps were put into effect.

And so we established an Office of Child and Youth Protection, the purposes of which are “to assist in the consistent application” of the *Charter*’s principles and “to provide a vehicle of accountability and assistance to dioceses/eparchies.” According to the *Charter*, the Office is expected to produce “an annual public report on the progress made in implementing the standards in this Charter.”

The first of these reports is contained in this volume. It is based on a compliance audit of virtually all dioceses and eparchies of the United States by an independent auditor, the Gavin Group, Inc., of Boston, Massachusetts. I am very grateful to Kathleen McChesney, the director of the Office of Child and Youth Protection, and Sheila Horan, the deputy director, for the work they put into making this report possible. It is one thing to mandate such a report. It is quite another to bring to completion a project that is without precedent in the Catholic Church in the United States.

That this audit was completed and the report written only one year after Dr. McChesney opened the Office of Child and Youth Protection is a tribute to her and her colleagues’ imagination and hard work. It is also a tribute to their dedication to creating a safe environment for children within our Church.

To monitor and assist the Office, the *Charter* designated a board that would receive and review the report. This board—which has come to be known as the National Review Board—is an entirely lay group of distinguished Catholics. It began its work in July 2002 and provided considerable assistance in getting the Office of Child and Youth Protection started by participating in the search for the first director. The National Review Board was also instrumental in the development of the audit process. As indicated elsewhere in this section, the National Review Board has reviewed this annual report and has indicated that they concur with the recommendations contained therein.

As president of the Conference, I too have reviewed this report. I am happy to say that it indicates that the Catholic dioceses and eparchies of the United States have put a tremendous effort into making the *Charter* very much a part of the life of the Church since the Dallas meeting. This report also shows that in Dallas we could not foresee everything that needs to be done. And so the report contains valuable general recommendations for further strengthening the Church's response to the sexual abuse crisis in all its dimensions.

This is a challenge that we must face with complete commitment. For children to be harmed by ministers of the Church is directly contrary to the command of Christ himself while he walked the face of the earth and repeatedly exhibited a special love and concern for children. The mission and ministry of the Church is closely intertwined with the mission of the family, which is the fundamental unit of society. The Church is committed to assisting parents in the care of their children.

We cannot, without failing to be the community that the Lord intended us to be, neglect to keep children safe and secure. Nor can we fail to reach out to those who were harmed as children, to be of whatever help we can to them. As we said to the Catholic people in the *Charter*, "Let there now be no doubt or confusion on anyone's part: For us, your bishops, our obligation to protect children and young people and to prevent sexual abuse flows from the mission and example given to us by Jesus Christ himself, in whose name we serve."



## National Review Board for the Protection of Children and Young People

3211 FOURTH STREET NE • WASHINGTON DC 20017-1194

Justice Anne M. Burke

Robert S. Bennett, Esq.

Michael Bland, PsyD, DMin

Mr. William R. Burleigh

Nicholas Cafardi, Esq.

Mrs. Jane Chiles

Alice Bourke Hayes, PhD

Pamela D. Hayes, Esq.

Justice Petra Jimenez Maes

Paul R. McHugh, MD

Honorable Leon Panetta

Mr. Ray Siegfried

December 31, 2003

Most Reverend Wilton D. Gregory, President  
United States Conference of Catholic Bishops

Your Excellency,

Article 9 of the *Charter for the Protection of Children and Young People*, approved by the United States Conference of Catholic Bishops (USCCB) in June 2002, requires that the National Review Board approve the annual report on the implementation of the *Charter* by the members of the USCCB. Furthermore, the National Review Board is required to approve the recommendations that emerge from this annual report.

The members of the National Review Board have reviewed the first annual *Report on the Implementation of the "Charter for the Protection of Children and Young People"* prepared by the Office of Child and Youth Protection. The report appears to objectively measure the progress of each Catholic diocese and eparchy in the United States relative to implementing the provisions of the *Charter*. The National Review Board concurs with the recommendations set forth in Chapter 4 and urges the USCCB, through the Ad Hoc Committee on Sexual Abuse and the Office of Child and Youth Protection, to adopt them.

The National Review Board wishes to acknowledge the cooperation of the members of the USCCB in the conduct of the compliance audits. The fulfillment of their episcopal commitment is evident in the substantial progress made by many dioceses and eparchies and will surely contribute to the protection of children, the prevention of future abuse, and the healing of those who have been harmed.

The National Review Board also expresses its appreciation to Mr. William Gavin and the Gavin Group for the completion of 191 onsite compliance audits. This unprecedented audit process was developed and implemented expeditiously without sacrificing quality or attention to detail.

The provision of this letter affirms the approval of the National Review Board of this report and the recommendations contained therein.

Sincerely,

Justice Anne M. Burke



## Office of Child and Youth Protection

3211 FOURTH STREET NE • WASHINGTON DC 20017-1194

Kathleen McChesney  
Executive Director

December 15, 2003

Most Reverend Wilton D. Gregory, President  
United States Conference of Catholic Bishops

Honorable Anne M. Burke  
National Review Board

Your Excellency and Your Honor,

Article 8 of the *Charter for the Protection of Children and Young People*, adopted by the United States Conference of Catholic Bishops (USCCB) in June 2002, authorized the establishment of the Office of Child and Youth Protection. Among the tasks of the Office are the development of appropriate mechanisms to audit adherence to the policies contained in the *Charter* and the production of an annual public report on the progress made in implementing the provisions of the *Charter* by the bishops and eparchs of the United States.

In March 2003, the Gavin Group, Inc., of Boston, Massachusetts, was selected as contractor for the conduct of compliance audits relative to implementation of the *Charter*. Following the development of appropriate protocols, the Gavin Group piloted the audit process in three dioceses. The remaining 188 dioceses and eparchies were audited between June 23 and October 31, 2003. Two dioceses and one eparchy were not audited for reasons described in Chapter 2. The work of Gavin Group personnel was well received and provided a substantive review of efforts made to eliminate incidents of sexual abuse of minors by Catholics who minister, work, or volunteer on behalf of the Church.

From the results of these compliance audits, the Office of Child and Youth Protection has prepared the first annual *Report of the Implementation of the "Charter for the Protection of Children and Young People."* This report contains an executive summary, audit description, analysis of the findings, and recommendations. Also included are summary reports of each diocese and eparchy.

The compliance audit process and the annual report represent a measurement of activity that has taken place to implement the *Charter* within the dioceses and eparchies. While the results indicate that much progress has been accomplished, there are many ways to more effectively and efficiently implement the *Charter*, some of which are described in this report.

It is my hope that through increased pastoral outreach, the full implementation of safe environment programs, and careful adherence to the *Charter* and *Essential Norms*, true healing will occur and children and young people will be safe and secure within Catholic Church environments in United States.

Sincerely,

  
Kathleen McChesney





December 15, 2003

Most Reverend Wilton D. Gregory, President  
United States Conference of Catholic Bishops  
3211 Fourth St. NE  
Washington, DC 20017

Your Excellency,

I was selected by the United States Conference of Catholic Bishops to conduct a compliance audit of all of the dioceses and eparchies of the Catholic Church in the United States. The purpose of the audit was to determine the degree to which each diocese or eparchy was compliant with the *Charter for the Protection of Children and Young People*. This *Charter*, as you know, was adopted by the bishops of the United States in Dallas in June 2002. The *Charter* has 17 Articles with which all bishops and eparchs must comply. Members of the Gavin Group audited 14 of the 17 Articles, as three Articles (8, 10, and 11) had already been implemented.

We commenced the audits in early June 2003 after selecting 54 individuals, most of whom were former FBI agents and other investigators, to conduct the audits. A week-long training session was conducted for all auditors to familiarize them with the objective, scope, and methods that would be used in the process and to infuse in them the importance of the task. I selected individuals who demonstrated a passion for doing the right thing for children. I did not make religion one of the criteria for selection.

One important consideration was conducting workshops for all of the bishops and eparchs prior to their being audited. The workshops enabled the bishops and eparchs to become acquainted with the manner in which the audit would be conducted, and provided them with copies of the audit instrument that would be used by on-scene auditors.

The first three dioceses audited were volunteers as we were interested in assessing the operational effectiveness of the audit instrument that was created from the *Charter*. With minor adjustments, it worked well.

Comprehensive documentation was required of the dioceses and eparchies, and numerous interviews were conducted that included the bishop or eparch, diocesan personnel, victims/survivors, abusers, prosecutors, and review board members. Of course, certain parameters were set that would ensure confidentiality yet remain within the confines of the *Charter*.

Documentation from the auditors included Instructions, which were issued when non-compliance with one of more of the articles was identified; Recommendations, which were issued when a segment of the article was not in total compliance; and Commendations, which were provided when the diocese or eparchy was determined to have addressed issues prior to the adoption of the *Charter* or had taken actions exceeding the demands of the *Charter* to insure the safety of children.

In most instances, two auditors were assigned to each diocese or eparchy, while some other dioceses had more than two auditors due to size or circumstances. Each of the Instructions and Recommendations required a response to remediate them by a certain date. All of the information, findings, and remediations received to date have been forwarded to the Office of Child and Youth Protection in order that the annual report may be prepared.

I wish to express my deepest appreciation and that of each of the auditors to the bishops and eparchs for their cooperation in this expansive effort. It was difficult. Difficult for the clergy, as it was really the first time that the laity has had such in-depth access to the problem of sexual abuse of minors within each diocese or eparchy. It was difficult for the auditors, as they worked very hard to uphold the principles of a valid audit and remain sensitive to the concerns of the victims/survivors and the clergy.

The audit, which was at first a source of concern for the dioceses and eparchies from the point of view that there were many things unknown, turned out to be extremely helpful in demonstrating some deficiencies that were not yet known to them. It provided best practices from bishops or eparchs of other dioceses and perhaps introduced diocesan and eparchial leaders to new ways and methods of achieving results.

I hope that the process has been intellectually stimulating and will induce some more proactive means to deal with the problem of sexual abuse of children and young people. I also hope for the Church itself, both clergy and laity, that with each iteration of this process, new solutions are revealed and additional problems are prevented.

Last, I am very happy to inform you that the audit process has come in under budget. While it has been a process that required dioceses and eparchies to find ways to raise the money necessary, I sincerely hope that you have found the audit to be a worthwhile investment in the future of the children and the Church.

Sincerely yours,

A handwritten signature in black ink, appearing to read "William A. Gavin". The signature is fluid and cursive, with the first name "William" written in a larger, more prominent script than the last name "Gavin".

William A. Gavin

## CHAPTER ONE

# Executive Summary

The problem of sexual abuse of minors by some members of the Catholic clergy is considered by many to be the greatest crisis to face the Catholic Church in the United States. Surprisingly, the magnitude of this problem has yet to be fully described by the leadership of the Church. Heretofore, neither the Holy See nor the United States Conference of Catholic Bishops<sup>1</sup> (USCCB) has had a mechanism or process to gather information regarding incidents of abuse, the number of alleged and confirmed offenders, or the costs associated with these crimes. As a result, the public and the Church have historically relied on statistics generated from public sources, treatment centers, and the extrapolations of social scientists and journalists to determine the scope of the problem.

In June 2002, the United States Conference of Catholic Bishops took extraordinary and unprecedented steps to address the problem of sexual abuse of minors by priests and deacons and to obtain as much information as possible about the incidence of abuse within the Catholic Church. Building on the “Restoring Trust” principles developed by the Ad Hoc Committee on Sexual Abuse<sup>2</sup> and instituted by some of the bishops and eparchies in the early 1990s, the members of the USCCB voted to adopt the *Charter for the Protection of Children and Young People* (“the Charter”),<sup>3</sup> a document that identified the ways in which all bishops and eparchies in the United States would provide outreach to victims/survivors, respond to allegations of sexual abuse of minors, prevent future acts from occurring, and hold themselves accountable to the members of the Church in their efforts to protect the young. Furthermore, the members of the USCCB agreed to cooperate with a study that would quantify the “nature and scope” of the problem and describe its impact on individuals, families, clergy members, the laity, and the Church itself.

Much misunderstanding exists about the structure of the Catholic Church and the way in which it functions both nationally and internationally. The USCCB has no

direct authority over any bishop or eparchy in the United States, nor does it have an infrastructure that is interconnected with the management or operations of the country’s 194 dioceses and eparchies, each of which is civilly and canonically independent. In developing the *Charter*, the members of the USCCB recognized that without traditional oversight mechanisms, the accountability called for in the *Charter* would have to be established in a new way. Thus, the USCCB Office of Child and Youth Protection, created as part of the *Charter* and monitored by a National Review Board of lay Catholics, was charged with the task of developing appropriate audit mechanisms to ensure that all bishops and eparchies comply with the provisions of the *Charter*. The Office of Child and Youth Protection was also charged with producing an annual report identifying the progress made by each diocese and eparchy in implementing the *Charter*. The USCCB pledged to publish this annual report, which reinforces the members’ intent to communicate openly about their efforts to respond to victims/survivors, to deal with offenders, and to prevent future acts of abuse.

A significant amount of progress has been made by the Catholic bishops and eparchies, as measured by the compliance audit process described in Chapter 2. In the months since the June 2002 adoption of the *Charter* as the guiding document, hundreds of diocesan and eparchial personnel have dedicated untold hours and resources toward its implementation. This audit procedure has identified positive actions, as well as some instances of non-compliance. Some dioceses and eparchies have exceeded expectations by fully implementing the *Charter* and establishing themselves as role models for other dioceses and eparchies. For a variety of reasons, such as limited resources, personnel shortages, and lack of direction and training, some dioceses and eparchies will have to take additional actions to be fully compliant with the entire *Charter*.

Some misperceptions about the objectives of the compliance audit still exist, and the audit findings may disappoint those who expected this procedure to be an investigation or re-investigation of all cases of abuse that have ever occurred within a particular diocese or eparchy. Investigations are best left to law enforcement agencies that have the requisite statutory authority to obtain records and to solicit testimony, as well as the skills and experience necessary to gather evidence. In those situations in which law enforcement entities are precluded by statute from investigating an allegation of sexual abuse of a minor, the diocese or eparchy should employ an experienced investigator who is cognizant of the unique aspects of these types of cases and who is sensitive to the special needs of victims/survivors.

This compliance audit process afforded a measurement of the diocesan and eparchial progress in implementing the *Charter* and identified exceptional methods for providing outreach, appropriate responses to allegations of abuse, and methods of abuse prevention. The process also identified weaknesses in the *Charter* itself and difficulties faced by dioceses and eparchies in attempting to effectively implement all aspects of the *Charter* within a sixteen-month period. Thus, this report offers a description of the audit process, an analysis of the audit findings, and recommendations for improving the response of the dioceses and eparchies in the United States to the crisis of sexual abuse of minors by trusted clergy.

## AUDIT PROCEDURE

The “appropriate audit mechanism” selected for the unprecedented compliance audit of all dioceses and eparchies in the United States was determined to be an onsite review conducted by individuals with investigative and compliance auditing experience. The selection of an outside contractor, the Gavin Group, Inc., of Boston, Massachusetts, provided the capability and objectivity required to ensure a credible and valid audit process.

At the completion of the onsite compliance audits of 191 Catholic dioceses and eparchies, the findings were summarized in this annual report consisting of two sections. Section I contains introductory letters, this executive summary (Chapter 1), an audit description (Chapter 2), an analysis of the findings (Chapter 3), and recommendations (Chapter 4). Section II comprises the summary reports of the audits of each diocese and eparchy.

Re-audits of three dioceses were conducted within the audit cycle: the Archdiocese of Cincinnati (Ohio), the Diocese of Phoenix (Arizona), and the Diocese of Alexandria (Louisiana). The Diocese of St. Thomas (Virgin Islands) and the Armenian Exarchate of New York were not audited due to scheduling difficulties; the Diocese of Davenport (Iowa) was not audited due to issues associated with ongoing litigation.

## ANALYSIS OF THE FINDINGS

The audit process found all dioceses and eparchies to be compliant with some or all of the articles of the *Charter*. One hundred seventy-one (90 percent) of the dioceses and eparchies audited are compliant with all provisions of the *Charter*; they are identified in Section II (*Summary Reports of Dioceses and Eparchies*). Dioceses and eparchies that are not yet compliant with all articles of the *Charter* are identified in Chapter 3 (“Analysis of the Findings”).

At the conclusion of each onsite audit, auditors issued Instructions, Recommendations, and/or Commendations, as applicable. Some dioceses and eparchies did not receive any Instructions, Recommendations, or Commendations. *Instructions* were issued when circumstances indicated that a particular article of the *Charter* had not yet been implemented. *Recommendations* were issued when there was incomplete implementation of a particular article or portion of the article of the *Charter*, or when significant improvement would be realized through an additional or changed procedure. *Commendations* were issued to highlight innovative procedures and exceptional transparency and openness about the problem of sexual abuse.

### Instructions Issued During the Audit Process

During the 191 audits, a total of 131 Instructions were issued. The number of Instructions issued per diocese or eparchy ranged from zero (0) to 9. Fifty-seven (30 percent) of the dioceses and eparchies audited received Instructions.

The most common Instructions that were issued were associated with Articles 6, 12, and 13: those pertaining to the establishment of codes of conduct, safe environment programs, and the institution of background investigations, respectively.

Dioceses and eparchies were directed to complete specific actions in order to remediate the finding of non-compliance with a particular article or part of an article. As of December 12, 2003, 76 (56 percent) of those Instructions had been addressed.<sup>4</sup> Those dioceses and eparchies with unaddressed Instructions are listed in Chapter 3 ("Analysis of the Findings") and are described further in the summary reports of Section II.

### **Recommendations Issued During the Audit Process**

During the 191 audits, a total of 297 Recommendations were issued. The number of Recommendations issued ranged from zero to eight. One hundred twenty-five (65 percent) of the dioceses and eparchies audited received Recommendations.

The most common Recommendations that were issued were associated with Articles 1, 2, 12, and 13: pertaining to pastoral outreach, review boards, safe environment programs, and the institution of background investigations, respectively.

Recommendations included specific actions to be taken to complete or to improve the implementation of an article or part of an article of the *Charter*. As of December 12, 2003, 258 (87 percent) of the Recommendations had been addressed by actions undertaken by the dioceses or eparchies. The Recommendations that had not been fully addressed are listed in Chapter 3 ("Analysis of the Findings") and are described further in the summary reports in Section II.

### **Commendations Issued During the Audit Process**

During the 191 audits and three re-audits, 129 (68 percent) of the dioceses and eparchies received from one to six Commendations. The issuance of a Commendation was generally consistent among the dioceses and eparchies, but there may be instances in which a Commendation was issued to a diocese or eparchy for a particular action that was not commended in the report of another diocese or eparchy.

Commendations were issued most often for having instituted sexual abuse policies and codes of conduct

prior to the adoption of the *Charter* in June 2002. Other laudable actions included exemplary pastoral outreach and candid, educational communications.

## **RECOMMENDATIONS**

The recommendations listed below were generated from the audit process and identify ways in which the Catholic Church might better address the problem of sexual abuse of minors. In addition, 52 recommendations that pertain to specific articles of the *Charter* are delineated in Chapter 4 ("Recommendations").

### **1. Implementation of the Charter at the Parish Level**

It is recommended (a) that the Office of Child and Youth Protection prepare guidelines for dioceses and eparchies regarding methods for integrating all aspects of the *Charter* at the parish level; (b) that, where this integration does not already exist, bishops and eparchs take affirmative steps to involve the laity and the clergy in creating safe environments and providing pastoral care to victims/survivors of child sexual abuse; and (c) that a mechanism be established to audit the participation of the parishes in the implementation of the *Charter*.

### **2. Evaluation of the Effectiveness of Implementing the Charter**

It is recommended (a) that the Ad Hoc Committee on Sexual Abuse and the Office of Child and Youth Protection identify and institute effectiveness measurements for safe environment programs to be conducted no later than 2006; and (b) that each diocese and eparchy provide to the Office of Child and Youth Protection and the National Review Board, on an annual basis, the number of allegations of sexual abuse reported during that year and the dispositions of these cases.

### **3. Analysis of Risk of Future Incidents of Sexual Abuse of Minors**

It is recommended (a) that the Ad Hoc Committee on Sexual Abuse and the Bishops' Committee on Priestly Life and Ministry continue to assist bishops and eparchs in determining the appropriate supervision and sustenance that should be provided to priests and deacons

who have abused minors; and (b) that the Ad Hoc Committee on Sexual Abuse prepare and distribute a communication suitable for interested parishioners regarding the oversight and support afforded to clergy who have abused minors. It is recommended that each bishop and eparch make every effort to locate priests or deacons who have left their jurisdiction, to include notifying other members of the USCCB and cooperating with civil authorities.

It is recommended that the Bishops' Committee on Priestly Life and Ministry evaluate methods to better identify members of the clergy in the United States, including their status in ministry, residence, and assignment history.

#### **4. Training and Best Practices**

It is recommended (a) that the Office of Child and Youth Protection develop and implement training programs for diocesan review board members and safe environment coordinators and (b) that the Office of Child and Youth Protection work with the Archdiocese of Chicago (Illinois) to provide training to victim assistance coordinators throughout the country.

#### **5. Written Standards, Guides, and Manuals**

It is recommended that the Ad Hoc Committee on Sexual Abuse and the Office of Child and Youth Protection prepare a set of guidelines to assist bishops, eparchs, and their staffs in implementing the *Charter*.

#### **6. Standardization of Documents, Record-Keeping Systems, and Checklists**

It is recommended that the Ad Hoc Committee on Sexual Abuse and the Office of Child and Youth Protection identify model forms, checklists, and record-keeping systems pertaining to implementation of the *Charter* and provide them to all dioceses and eparchies.

#### **7. Review of the Charter for the Protection of Children and Young People**

It is recommended that the USCCB and the National Review Board consider the results of this audit during the 2004 review of the *Charter*.

#### **8. Sponsorship of an External Study of Victims/Survivors**

This audit measured compliance with the *Charter*; therefore, only victims/survivors who reported incidents of abuse since its adoption were interviewed. The information gathered in this audit process appeared to be candid and valuable in identifying both effective and ineffective responses to victims/survivors, but more information is desired. However, victims/survivors who had reported abuse to dioceses and eparchies prior to June 2002 may not have received the type of pastoral approach and support described in the *Charter*. More important, many who had previously reported abuse may have differing insights and perspectives that, if shared, will improve how victims/survivors are treated in the future.

It is recommended that the USCCB sponsor an external study of (voluntary) victims/survivors for the purpose of identifying better methods for responding to complaints of sexual abuse by clergy or other church personnel.

#### **9. Future Accountability**

The audit process—if augmented by an annual accounting of new allegations received, whether the abuse occurred recently or in the past—will provide a clearer picture of the success of the Catholic Church in reducing the incidence of sexual abuse of minors by clergy members. Article 8 of the *Charter* directs the Office of Child and Youth Protection to prepare an annual report of the level of compliance and progress made by each diocese and eparchy in implementing the provisions of the *Charter*.

It is recommended that the audit procedure utilized in 2003 be repeated in 2004.

It is recommended (a) that future annual reports contain the number of allegations of sexual abuse of minors reported during the year, the number of actions taken against clergy as the result of an admitted or established act of abuse, and the number of victims and the financial costs; and (b) that these data be gathered and maintained by the Office of Child and Youth Protection.

## SUMMARY

The ability to implement long-term recommendations for accountability is dependent upon the life of the *Charter*. The *Charter*, in its present form, represents the commitment of the USCCB to public accountability with regard to implementation of the *Charter*. Failing to create a long-term plan for accountability and response to the crisis of sexual abuse of children and youth would undermine the substantial efforts that have been made thus far. A short-term solution would be perceived as insensitive to the lifelong pain suffered by victims and survivors and as demonstrating an unwillingness to recognize that cases of abuse remain unreported or could occur in the future.

It is recommended that the Ad Hoc Committee develop a long-term plan for accountability by the members of the USCCB with the provisions of the *Charter* or succeeding documents or programs. Neither this audit process nor the full and complete implementation of the *Charter* will provide a total guarantee that there will never be another case of child or

youth sexual abuse committed by a member of the Catholic clergy. However, the continuous efforts of bishops, eparchs, clergy, and the laity to address this problem will foster a greater degree of confidence that children and young people will be safe and secure in Catholic Church environments.

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## Notes

- 1 The United States Conference of Catholic Bishops is the recognized episcopal conference of the Catholic Church in the United States and is composed of all Latin Church and Eastern Church bishops and eparchs in the United States.
- 2 The Ad Hoc Committee on Sexual Abuse, created in 1993 by the USCCB, serves to provide members of the USCCB with guidance regarding ways to respond to instances of sexual abuse of minors and to prevent incidents of abuse. "Ad hoc" refers to the Committee's extraordinary and focused nature, rather than its anticipated longevity.
- 3 USCCB, *Charter for the Protection of Children and Young People*, in *Promise to Protect, Pledge to Heal* (Washington, DC: USCCB, 2003).
- 4 Eight dioceses and eparchies with unaddressed Instructions received 36 (27 percent) of the total Instructions issued.

## CHAPTER TWO

# Compliance Audits

### MANDATE

The *Charter for the Protection of Children and Young People* ("the Charter")<sup>1</sup> was adopted by the United States Conference of Catholic Bishops (USCCB) in June 2002 in response to an increasing number of reports of sexual abuse of minors by some members of the Catholic clergy throughout the United States. Although most of the allegations described incidents that had occurred in previous decades, it was clear that a more consistent and wide-ranging national response was necessary from the members of the USCCB than had been provided in the past.

The provisions of the *Charter* provide that response by addressing four critical areas: (1) Healing and Reconciliation, (2) Effective Response to Allegations of Sexual Abuse of Minors, (3) Accountability of Procedures, and (4) Protection of the Faithful in the Future. Within each area are procedures that, when implemented, will provide support to victims of abuse, remove offending clergy members from ministry, and prevent, insofar as possible, future acts of abuse from occurring. In addition, the members of the USCCB made an "Episcopal Commitment" to fulfilling the provisions of the *Charter* that reinforces their promise to address the problem of sexual abuse of minors.<sup>2</sup>

To ensure that each bishop and eparchy would fully implement the *Charter*, requirements for audit mechanisms and an annual public report were included in Articles 8 and 9. In Article 8, the USCCB Office of Child and Youth Protection is directed to assist provinces and regions in "the development of appropriate mechanisms to audit adherence to policies" and to produce "an annual public report on the progress made in implementing the standards" of the *Charter*. Article 9 of the *Charter* states that the Office of Child and Youth Protection will provide the annual report to the National Review Board and the President of the USCCB before its publication. It is important to note that the *Charter* does not constitute a binding legal authority under canon law; therefore,

adherence to the policies contained therein and cooperation with the audit process are voluntary.

### SELECTION OF AN AUDIT PROCEDURE

In order to measure the progress made by each diocese and eparchy in implementing the *Charter*, the audit procedure selected was a complete onsite review modeled after compliance audit procedures often used by businesses and government agencies in the United States. This procedure included internal and external interviews, as well as document and policy review. The National Review Board and the Office of Child and Youth Protection selected a proposal submitted by the Gavin Group, Inc., of Boston, Massachusetts, that met the criteria for this audit process.

Although it was approved in June 2002, implementation of the *Charter* could not be measured until after the establishment of the Office of Child and Youth Protection in December 2002. Therefore, in order to complete an annual report by December 31, 2003, an expedited, yet thorough, process was required. The Gavin Group was able to provide an audit schedule, including a training component, that would meet this time requirement without sacrificing audit quality.

The Gavin Group was responsible for development of the audit instrument, formats, and preliminary reports. A retired senior partner from Ernst and Young (Philadelphia, Pennsylvania) provided consulting services during the development phase. The Gavin Group worked with the USCCB to design and conduct a training program for Gavin Group personnel who would conduct the audits.

Prior to testing the audit process, the Gavin Group, the Office of Child and Youth Protection, and the Bishops' Committee on Priestly Life and Ministry conducted a series of *Charter* Implementation Workshops for



bishops/eparchs and members of their staffs responsible for implementing the *Charter*. The purpose of the workshops was to provide the appropriate individuals with guidance and information pertaining to effective implementation of the *Charter* and the audit process.

### **AUDIT SCHEDULE**

The audit process was piloted in dioceses of three different sizes and geographic areas in early June 2003. The remaining regular audits commenced June 23, 2003, and were completed by October 31, 2003. Three additional re-audits were conducted in November and December 2003. Most audits were completed within five working days. Approximately 11 dioceses and eparchies were audited per week, with a final total of 191 compliance audits. Audits of the Diocese of St. Thomas (Virgin Islands) and the Armenian Exarchate of New York could not be conducted prior to completion of the audit cycle and will be scheduled for onsite review in 2004. The Diocese of Davenport (Iowa) was not audited due to issues associated with ongoing litigation.

### **AUDIT METHODOLOGY**

The method selected for the compliance audit process was an onsite review consisting of internal and external interviews, as well as a review of documented policies and procedures, utilizing an audit instrument that encompassed the measurable articles of the *Charter*. A small amount of information was received from the public and forwarded to the Gavin Group for evaluation and consideration. Audit teams consisted of two to six auditors, depending upon the size of the diocese or eparchy being audited. Initial interviews and briefings at the completion of the audits were conducted with the bishop or eparch in nearly every instance.

The internal interviews generally included the bishop or eparch, chancellor, vicar general, victim assistance coordinator, vicar for priests, and some priests and deacons. A small number of accused clergy agreed to be interviewed. External interviews consisted primarily of contacts with victims/survivors, local district attorneys, diocesan (lay) review board members, and some parishioners.

The selection of victims/survivors to be interviewed was made by the audit team and included only those

victims/survivors who had reported instances of abuse to the diocese or eparchy since the approval of the *Charter* in June 2002 and who were willing to be interviewed. Victims/survivors who were currently involved in litigation were not selected for interviews, so as not to interfere with civil or criminal proceedings. Those who were interviewed were believed to be sufficiently through the healing process so as not to be re-victimized during the discussion. The interviews were conducted anonymously by telephone or in person, and victims/survivors were allowed to bring a supportive person with them to the interview. Members of the media were not interviewed.

A number of victims/survivors who had reported abuse prior to June 2002, some interested parishioners, and members of concerned lay groups desired personal interviews or group meetings with the audit teams. Those who expressed such interest to the National Review Board or the USCCB were directed to communicate their concerns and information, in writing, to the Gavin Group.

The audit instrument was provided to each bishop and eparch during the *Charter* Implementation Workshops. The instrument served as a guide for the auditors' questions and for preparation of the interviews. An executive summary was prepared at the completion of each audit. If applicable, the executive summary included attachments setting forth Instructions, Recommendations, and Commendations. The audit period covered actions by the dioceses and eparchies from the adoption of the *Charter* in June 2002 forward, with the exception of some requirements found in Articles 5 and 14, which pertain to actions that could have taken place in the past.

*Instructions* were issued when circumstances indicated that a particular article of the *Charter* had not yet been implemented. Within the Instructions were directives for the diocese/eparchy to complete specified actions by a certain date in order to be compliant with a particular portion of the *Charter*.

*Recommendations* were issued when there was incomplete implementation of a particular article of the *Charter* or where significant improvement would be realized through an additional or changed procedure. As with the Instructions, each Recommendation

required notification to the Gavin Group about actions taken.

*Commendations* were issued when dioceses/eparchies were found to have instituted policies and practices to address the problem of sexual abuse of minors by Catholic clergy prior to the adoption of the *Charter*. Commendations were also provided to highlight innovative procedures and exceptional transparency and openness about the problem of sexual abuse.

The Gavin Group verified all corrective actions to complete the audit cycle. To complete the audit cycle for 2003, the executive summaries, Instructions, Recommendations, and Commendations were reviewed by the Office of Child and Youth Protection. Summary reports were prepared for each diocese and eparchy audited and are included in Section II of this annual report. Dioceses and eparchies are not rated, nor are they compared with one another.

## AUDIT LIMITATIONS

This audit process measured what it was intended to measure—the progress made by each diocese and eparchy in implementing the *Charter*—and identified those that were found not to be compliant with some or all of the provisions of the *Charter*. As might be expected with a voluntary compliance audit process, some limitations were identified before and during the process. These limitations might be addressed by clarifying some aspects of the *Charter*, modifying this audit process, or adopting different types of audit mechanisms. Specific recommendations pertaining to some of the limitations listed below are described in Chapter 4.

### I. Victim/Survivor Involvement

A complete survey of all known victims/survivors of sexual abuse by members of the Catholic clergy was not conducted for a variety of reasons. Because the audit measured compliance with the *Charter*, only victims/survivors who reported abuse since its adoption were selected for interview. Victims/survivors who had reported their abuse to the dioceses and eparchies before June 2002 may not have received the pastoral care and support described by the *Charter*. Unfortunately, there was insufficient time to speak with each victim/survivor who

met the interview criteria described above. Nonetheless, the information gathered in this process appeared to be candid and was valuable in identifying both effective and ineffective responses to victims/survivors.

## 2. Parish Compliance

The audit process was designed to measure progress in implementing the *Charter* at the diocesan/eparchial level. Many articles of the *Charter* require specific actions that can only be taken by the bishop or eparch or by his designee. Some articles, however, mandate actions that must be taken throughout the diocesan or eparchial structure: that is, in the parishes, schools, and other facilities. This is particularly important because children and young people are most involved in church activities at the parish level. Victims/survivors of sexual abuse have often reported instances of abuse to their parish pastor and will likely do so in the future, as many are unfamiliar with the administrative roles and responsibilities of diocesan/eparchial personnel.

In particular, the safe environment programs, which include the requirements for background investigations, education, and codes of conduct for prevention purposes, must be implemented at the parish level. This audit process identified dioceses and eparchies that had planned, selected, and initiated safe environment programs, but no mechanism was employed to ensure that each of the country's 19,000 Catholic parishes was fully involved in the programs.

## 3. Written Standards

Other than the language of the *Charter* and the intent of its creators, written standards for the implementation of the *Charter* do not exist. Specific tasks to meet the mandates of the *Charter* were suggested, however, through "Safe Environment Guidelines" produced by the Office of Child and Youth Protection and through other recommendations conveyed during the *Charter* Implementation Workshops. Time constraints did not allow for the creation of manuals that might have provided additional assistance to bishops/eparchs in implementing the *Charter*. The detailed audit instrument provided to the bishops prior to the onsite audits and utilized by the Gavin Group was key to in ensuring that the *Charter* was competently and consistently implemented.

#### 4. Consistency of the Process

The onsite audits were conducted by randomly assigned teams, and no auditor was allowed to conduct an audit in a diocese in which he or she was living. Although all auditors received the same training, their decision about whether to issue Instructions, Recommendations, or Commendations was ultimately subject to the unique set of circumstances presented in the diocese/eparchy. When necessary, corrections were made throughout the audit cycle to ensure that Instructions, Recommendations, or Commendations were issued for the same or similar findings. Notwithstanding continuous and careful reviews, some instances of inconsistencies may appear.

#### 5. Compliance Audit Models

This compliance audit process, while not unique to U.S. businesses or organizations, had never been conducted in dioceses and eparchies within the Catholic Church. Though similar to financial auditing and accreditation processes used in Catholic schools and health care facilities in the United States, this undertaking was unprecedented. Each of the auditors had experience in conducting compliance audits or investigations; however, none had conducted this type of work within the setting of a religious institution. Initially, knowledge of the Catholic Church structure, organization, and canon law varied among the auditors. Concerns generated by the use of an untested process were overcome by the careful preparation of the audit mechanism and the education and familiarization afforded through the *Charter* Implementation Workshops. Most other audit models that were considered did not utilize a complete onsite approach, which was considered essential to the credibility of the compliance audits.

#### 6. Record Keeping

The maintenance of records and documents in dioceses and eparchies varies greatly. Each audit required the auditors to become acquainted with somewhat different systems. As a non-legal process, this audit did not have the civil or criminal authority to demand documents for record searches; but pertinent records, policies, and information were generally

provided as requested. In recognition of the privacy and confidentiality laws of the various states, personnel files were not reviewed.

#### 7. Clarity of the Charter

Much of the *Charter* is written in general terms, which provides bishops/eparchs with the flexibility necessary to tailor programs to fit the needs of their respective communities. Some articles of the *Charter*, particularly Articles 2 and 5, are not identical with the particular canon law embodied in the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*.<sup>3</sup> Although this audit process is specific to the *Charter*, it could not be conducted without a basic understanding of the *Essential Norms* and how they relate to the *Charter*. Differences of opinion regarding definitions and applications presented some difficulties for the auditors and account for possible inconsistencies in the way in which information was obtained.

This audit process did not measure compliance with the *Essential Norms*, although some segments of the *Charter* are identical to some segments of the *Essential Norms*.

### SUMMARY

Notwithstanding these limitations, the audit process was informative, illustrative, and inspiring. This audit process will help to assure members of the Catholic Church that substantive efforts are underway to protect children and young people in church settings and that the episcopal pledges to promote healing and reconciliation are being met.

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#### Notes

- 1 USCCB, *Charter for the Protection of Children and Young People*, in *Promise to Protect, Pledge to Heal* (Washington, DC: USCCB, 2003).
- 2 USCCB, "A Statement of Episcopal Commitment" (November 2002), in *Promise to Protect, Pledge to Heal*.
- 3 Cf. *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, in *Promise to Protect, Pledge to Heal*.

## CHAPTER THREE

# Analysis of the Findings

This chapter describes the overall compliance with the articles of the *Charter for the Protection of Children and Young People* ("the Charter")<sup>1</sup> by the 191 dioceses and eparchies audited. Observations made during the audit process regarding the implementation of specific articles are described; and some statistical analysis is provided. Recommendations pertaining to the issues raised in this chapter are found in Chapter 4 ("Recommendations").

### COMPLIANCE

All bishops of the Latin Rite Catholic Church and eparchs of the Eastern Catholic Churches in the United States cooperated with the compliance audits as conducted by the Gavin Group, Inc., of Boston, Massachusetts, and mandated by the *Charter for the Protection of Children and Young People*, adopted by the United States Conference of Catholic Bishops (USCCB; "the Conference") in June 2002. It is important to note that nearly every diocese and eparchy audited is compliant with most articles of the *Charter*. Some dioceses and eparchies, however, have not yet fully implemented all provisions of the *Charter*.

The Diocese of Davenport (Iowa), although cooperative, did not fully participate in the process due to pending litigation, which resulted in a determination by the bishop and the auditor that a full and fair review could not be completed without interference from outside entities. Therefore, the information submitted by the Diocese of Davenport is included as a non-verified summary report (see Section II). It is recommended that an onsite compliance audit of the Diocese of Davenport be completed at the conclusion of the current litigation or any future litigation that disrupts this process.

One archdiocese and two dioceses were subjects of re-audits. The Archdiocese of Cincinnati (Ohio) was audited on June 30, 2003- July 3, 2003, and was re-audited, in pertinent part, from November 19-21, 2003.

The Diocese of Phoenix (Arizona) was audited from August 4-8, 2003, and was re-audited from November 17-21, 2003. Finally, the Diocese of Alexandria (Louisiana) was audited from August 18-22, 2003, and was re-audited from December 9-12, 2003.

- a. Following the initial audit of the Archdiocese of Cincinnati, it was determined that some information relevant to the audit process had not been provided, and a re-audit was scheduled and conducted with the full cooperation of the archdiocese. During the re-audit, it was found that the Archdiocese of Cincinnati had not taken the actions required by Article 5 of the *Charter* in dealing with five priests accused of sexual abuse of minors. Based on recent actions taken to remove these priests from ministry, the Archdiocese of Cincinnati was found to be compliant with the provisions of the *Charter* as measured by the process described in Chapter 2.
- b. During the initial audit of the Diocese of Phoenix, it was determined that the diocese was substantially lagging in the implementation of the *Charter*. Archbishop Michael J. Sheehan, of the Archdiocese of Santa Fe (New Mexico), had been named as apostolic administrator in June 2003. (In essence, this assignment confers the responsibility for leading the diocese to an individual—in this case, Archbishop Sheehan—without re-assigning him permanently to that position until such time as a new bishop is appointed and takes office.) In addition, the archbishop was expected to continue to concurrently lead the Archdiocese of Santa Fe. This unique situation presented difficult challenges for Archbishop Sheehan and for the diocesan personnel charged with implementing the *Charter*.

The re-audit determined that the Diocese of Phoenix had made significant progress in a short period of time, due to Archbishop Sheehan's leadership, energy, and willingness to meet with

victims and to work cooperatively with outside agencies. As of November 21, 2003, the Diocese of Phoenix was found to be compliant with the provisions of the *Charter* as measured by the process described in Chapter 2.

- c. The Diocese of Alexandria was also determined to be significantly behind in the implementation of the *Charter* at the time of the initial audit. Following the October 2003 transfer of the bishop, the bishop of Shreveport, Louisiana, the Most Reverend William B. Friend, was assigned as the apostolic administrator for the Diocese of Alexandria. Under his leadership, progress was made in the implementation of the provisions of Articles 1, 2, 4, 5, 6, and 7 of the *Charter*. As a result of the re-audit, the Diocese of Alexandria was found to be compliant with the provisions of the *Charter* with the exceptions of Article 12 (Safe Environments) and Article 13 (Background Investigations).

Summary reports of the audits of the Archdiocese of Cincinnati and the Dioceses of Phoenix and Alexandria are contained in Section II of this report.

## **SUMMARY OF INSTRUCTIONS, RECOMMENDATIONS, AND COMMENDATIONS ISSUED**

### **Instructions**

*Instructions* were issued when circumstances indicated that a particular article of the *Charter* had not yet been implemented. Dioceses and eparchies were directed to complete specific actions in order to remediate the finding of non-compliance with a particular article. During the 191 audits, a total of 131 Instructions were issued. The number of Instructions issued to dioceses and eparchies ranged from zero (0) to 9. Fifty-seven (30 percent) of the dioceses and eparchies received Instructions.

The most common Instructions that were issued were associated with Articles 6, 12, and 13: pertaining to the establishment of codes of conduct, the development of safe environment programs, and the institution of background investigations, respectively.

As of December 12, 2003, 82 (62 percent) of the 131 Instructions had been addressed.<sup>2</sup> Those dioceses and eparchies with unaddressed Instructions and the pertinent Articles are listed below; they are described further in the summary reports for each diocese in Section II.

Archdiocese of Anchorage (Alaska) 2, 5, 12, 13  
 Archdiocese of New York (New York) 12  
 Archdiocese of Omaha (Nebraska) 2, 4, 7, 12  
 Byzantine Catholic Eparchy of Passaic  
 (New Jersey) 2, 6, 12  
 Diocese of Alexandria (Louisiana) 12, 13  
 Diocese of Arlington (Virginia) 12, 13  
 Diocese of Bismarck (North Dakota) 12  
 Diocese of Honolulu (Hawaii) 6, 12, 13  
 Diocese of La Crosse (Wisconsin) 13  
 Diocese of Lincoln (Nebraska) 9, 13  
 Diocese of Memphis (Tennessee) 12, 13  
 Diocese of Newton (Melkite-Greek Catholic)  
 (Massachusetts) 9, 12, 13  
 Diocese of Our Lady of Deliverance  
 (New Jersey) 9, 12  
 Diocese of Richmond (Virginia) 12  
 Diocese of Steubenville (Ohio) 12, 13  
 Diocese of St. Nicholas in Chicago  
 for Ukrainians (Illinois) 12  
 Eparchy of St. Maron of Brooklyn  
 (New York) 9, 12, 13  
 Eparchy of St. Thomas the Apostle (Chaldean)  
 (Michigan) 1, 2, 4, 5, 6, 7, 12, 13  
 St. Thomas Syro-Malabar Catholic Diocese  
 of Chicago (Illinois) 7, 12, 13, 17  
 Ukrainian Catholic Diocese of St. Josephat in Parma  
 (Ohio) 12, 13

### **Recommendations**

*Recommendations* were issued when there was incomplete implementation of a particular article or portion of the article of the *Charter* or when significant improvement would be realized through an additional or changed procedure. During the 191 audits, a total of 297 Recommendations were issued. The number of Recommendations issued to dioceses and eparchies ranged from zero to eight. One twenty-five (65 percent) of the dioceses and eparchies audited received Recommendations.

The most common Recommendations that were issued were associated with Articles 1, 2, 12, and 13: pertaining to pastoral outreach, review boards, safe environments, and the instituting of background investigations, respectively.

As of December 12, 2003, 258 (87 percent) of the 297 Recommendations had been addressed. Many of the recommended actions are currently ongoing in these dioceses and eparchies. It is important to note that dioceses and eparchies who have not fully implemented their Recommendations may still be compliant with the *Charter*. These Recommendations are described further in summary reports in Section II.

### **Commendations**

*Commendations* were issued most often for having instituted sexual abuse policies and codes of conduct prior to the adoption of the *Charter* in June 2002. Other laudable actions included exemplary pastoral outreach and candid, educational communications.

During the 191 audits and three re-audits, 129 (68 percent) of the dioceses and eparchies received from one to six Commendations. The issuance of a Commendation was generally consistent among the dioceses; but in some instances, a Commendation was issued to a diocese or eparchy for a particular action that was not commended in the report of another diocese or eparchy.

## **CHARTER COMPLIANCE BY ARTICLE<sup>3</sup>**

Original texts of the Articles of the *Charter* are set off in bold type with lines.

### **To Promote Healing and Reconciliation with Victims/Survivors of Sexual Abuse of Minors**

#### **ARTICLE I—HEALING, OUTREACH, AND RECONCILIATION**

Dioceses/eparchies will reach out to victims/survivors and their families and demonstrate a sincere commitment to their spiritual and emotional well-being. The first obligation of the Church with regard to the victims is for healing and reconciliation. Where such

outreach is not already in place and operative, each diocese/eparchy is to develop an outreach to every person who has been the victim of sexual abuse<sup>4</sup> as a minor by anyone acting in the name of the Church, whether the abuse was recent or occurred many years in the past. This outreach will include provision of counseling, spiritual assistance, support groups, and other social services agreed upon by the victim and the diocese/eparchy. In cooperation with social service agencies and other churches, support groups for victims/survivors and others affected by abuse should be fostered and encouraged in every diocese/eparchy and in local parish communities.

Through pastoral outreach to victims and their families, the diocesan/eparchial bishop or his representative will offer to meet with them, to listen with patience and compassion to their experiences and concerns, and to share the “profound sense of solidarity and concern” expressed by our Holy Father in his Address to the Cardinals of the United States and Conference Officers. This pastoral outreach by the bishop or his delegate will also be directed to faith communities in which the sexual abuse occurred.<sup>5</sup>

Although each article of the *Charter* is important, this article, which provides for outreach to victims/survivors and their families, is one of the most critical. For some victims/survivors, this outreach is essential to their healing process and provides the personal and spiritual response that is intended. For other victims/survivors, no apology, counseling, or financial settlement will be sufficient. Nevertheless, the components of this article affirm the pastoral responsibility of the bishops and eparchs to provide assistance to victims/survivors and their families. One standard of measurement of the implementation of an outreach program was whether a plan had been established to offer services and support to victims/survivors. Most dioceses and eparchies were already providing various types of assistance to victims/survivors, and those having had no reports of allegations of sexual abuse of minors stood ready to provide such services.

A second standard of measurement was whether the bishop or his designee met with, or offered to meet with, victims/survivors who reported instances of abuse after June 2002, the effective date of the *Charter*. In some instances, particularly in larger archdioceses, bishops delegated this outreach to other diocesan personnel. In a number of dioceses/eparchies, the bishops or eparch

endeavored to meet with all known victims/survivors regardless of when the allegation was made. Bishop Blase J. Cupich (Rapid City, S.D.) and Bishop Anthony M. Pilla (Cleveland, Ohio) among others, are excellent examples of this important contact.

Perhaps the greatest challenge to conducting effective pastoral outreach occurred in situations wherein litigation was ongoing. In some cases, the legal advice of victim/survivor attorneys or diocesan attorneys precluded meetings between bishops/eparchs and victims/survivors. In other cases, meetings between the bishop or his designee and victims/survivors occurred despite the existence of a current lawsuit.

Notwithstanding the results of litigation, or in situations in which there was no litigation, counseling has been offered by dioceses and eparchies to individuals who have alleged that they were abused as minors by Catholic clergy. In the most notable situation, the Archdiocese of Boston (Massachusetts) has agreed to provide or continue to provide payment for counseling as requested by victims and survivors. The provision of counseling has created controversy in some dioceses and eparchies, as there are no definitive guidelines for managing this process and for ensuring that victims/survivors receive competent therapy. The Archdiocese of Chicago (Illinois) has established a model program that has been used by other dioceses to establish their own procedures.

The encouragement and fostering of support groups, an important component of outreach, could not be consistently measured. It was found, however, that support groups ranged from those directed by the diocese/eparchy to those run by abuse crisis centers and private therapists. The nation's two largest victim/survivor organizations, the Survivor's Network of Those Abused by Priests (SNAP) and The Link-Up, have support groups in many cities. The relationship between members of these groups and the local bishop or eparch varies from city to city. It will take the concerted efforts of all parties working together to be a positive force for child and youth protection as well as healing.

Pastoral outreach to faith communities in which sexual abuse has occurred is crucial. It is important that the bishop or eparch convey his concern for the victim/survivor and his or her family to the affected parish. This particular aspect of pastoral outreach often

provides the security that other victims/survivors need to come forward. The bishop or eparch should indicate that he is mindful of the safety of the children and young people in the parish and that he will do what must be done to ensure that they are not harmed. Finally, the bishop or eparch must communicate his actions effectively with parishioners who have known the offender from a different—and likely a positive—perspective and experience.

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## **ARTICLE 2—RESPONSE AND REPORTING**

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Dioceses/eparchies will have mechanisms in place to respond promptly to any allegation where there is reason to believe that sexual abuse of a minor has occurred.

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Although most dioceses and eparchies were found to have mechanisms in place to respond to allegations of sexual abuse of minors, many did not document this process or have written reference materials for victims. The promptness of responses to allegations varied from immediate to several days. Some dioceses and eparchies included a description of their response mechanism within their diocesan/eparchial sexual abuse policy.

Exceptional efforts to address instances of sexual abuse of minors by some members of the Catholic clergy were initiated in some dioceses as early as 1985 with the establishment of policies relating to sexual abuse. The existence of a written policy on the sexual abuse of minors by priests, deacons, and other church personnel is mandated in the Preamble of the *Charter* as well as in Norm 2 of the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (“the *Essential Norms*”).<sup>6</sup> As of December 1, 2003, nearly all dioceses and eparchies that were audited had sexual abuse policies in place.

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Dioceses/eparchies will have a competent person or persons to coordinate assistance for the immediate pastoral care of persons who claim to have been sexually abused as minors by clergy or other church personnel.

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Most dioceses and eparchies had designated competent persons to coordinate assistance for the pastoral care of persons who report that they have been abused as minors by clergy or other church personnel. This important role is best handled by someone not directly involved in any legal or review process associated with the complaint. In some places—including but not limited to the Archdioceses of St. Paul-Minneapolis (Minnesota), Washington (D.C.), New York, (New York), Los Angeles (California), Chicago (Illinois), and Baltimore (Maryland), as well as the Diocese of Arlington (Virginia)—professionals were hired for this specific role, bringing extraordinary experience and skills to this important position.

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Dioceses/eparchies will also have a review board that functions as a confidential consultative body to the bishop/eparch. The majority of its members will be lay persons not in the employ of the diocese/eparchy (see norm 5 in *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, 2002). This board will advise the diocesan/eparchial bishop in his assessment of allegations of sexual abuse of minors and in his determination of suitability for ministry. It will regularly review diocesan/eparchial policies and procedures for dealing with sexual abuse of minors. Also, the board can review these matters both retrospectively and prospectively and give advice on all aspects of responses required in connection with these cases. The procedures for those making a complaint will be readily available in printed form and will be the subject of periodic public announcements.

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Review boards were found to have been established in all dioceses and some eparchies by the conclusion of the audit process. The compositions of the review boards were quite similar; however, their procedures varied widely. More important, there was little training for review board members and there were few effective operational models. Review boards are of enormous value to bishops and eparchs and could be more widely used to assist with all issues relating to the sexual abuse of children and young people.

### **ARTICLE 3—CONFIDENTIALITY AGREEMENTS**

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Dioceses/eparchies will not enter into confidentiality agreements except for grave and substantial reasons brought forward by the victim/survivor and noted in the text of the agreement.

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No dioceses or eparchies were found to have entered into confidentiality agreements with victim/survivors since the adoption of the *Charter* unless requested to do so by the victim/survivor.

Some, but not all, victims/survivors who had previously entered into confidentiality agreements with a diocese or eparchy have sought to be released from those agreements. The Archdiocese of New York advised local district attorneys that the archdiocese would release civil plaintiffs from any confidentially provisions contained in settlement agreements on any cases of sexual abuse of minors.

### **To Guarantee an Effective Response to Allegations of Sexual Abuse of Minors**

### **ARTICLE 4—REPORTING AND COOPERATION**

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Dioceses/eparchies will report an allegation of sexual abuse of a person who is a minor to the public authorities. Dioceses/eparchies will comply with all applicable civil laws with respect to the reporting of allegations of sexual abuse of minors to civil authorities and will cooperate in their investigation in accord with the law of the jurisdiction in question.

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Each bishop and eparch was found to be knowledgeable about the obligations to report allegations of sexual abuse of minors to public authorities. All bishops and eparchs indicated that cases of this nature would be reported to the appropriate authorities. Relevant church personnel were found to be aware of their personal responsibility as mandated reporters under the laws of their state or commonwealth, where applicable.



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Dioceses/eparchies will cooperate with public authorities about reporting in cases when the person is no longer a minor.

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Bishops, eparchs, and public authorities generally agree about the level of cooperation between the diocese/eparchy and public authorities regarding the reporting of cases of sexual abuse when the person is no longer a minor. In a few instances identified in the audits, diocesan attorneys believed that they were being fully cooperative, but the relevant public authority disagreed. Some recommendations were issued regarding improving the level of cooperation by initiating dialogue or preparing a "memorandum of understanding" or other written agreement with the prosecuting authority as to the handling of cases. There were also some extraordinary examples of cooperation with law enforcement; for example, in the Diocese of Brooklyn, all cases of abuse are referred to the Queens County (New York) District Attorney for review, whether or not the case appears to fall within the criminal statute of limitations.

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In every instance, dioceses/eparchies will advise victims of their right to make a report to public authorities and will support this right.

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Dioceses and eparchies are advising victims/survivors of their right to make a report to public authorities. Some dioceses include this information in their sexual abuse policies or other materials provided to victims/survivors. Several recommendations issued suggest providing this advice in written form.

## **ARTICLE 5—PRELIMINARY INVESTIGATION AND ACTIONS**

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We repeat the words of our Holy Father in his Address to the Cardinals of the United States and Conference Officers: "There is no place in the priesthood or religious life for those who would harm the young."

When an allegation of sexual abuse of a minor by a priest or a deacon is received, a preliminary investigation, in harmony with canon law (CIC, cc. 1717-1719; CCEO, cc. 1468-1470), will be initiated and conducted

promptly and objectively. If this investigation so indicates, the diocesan/eparchial bishop will both notify the Congregation for the Doctrine of the Faith and apply the precautionary measures mentioned in CIC, canon 1722, or CCEO, canon 1473—i.e., relieve the alleged offender promptly of his ministerial duties. The alleged offender may be requested to seek, or urged voluntarily to comply with, an appropriate medical and psychological evaluation, so long as this does not interfere with the investigation by civil authorities. When the accusation has proved to be unfounded, every step possible will be taken to restore the good name of the priest or deacon.

When sexual abuse of a minor by a priest or a deacon is admitted or is established after an appropriate process in accord with canon law, the following will pertain:

- Diocesan/eparchial policy will provide that for even a single act of sexual abuse (see Article 1, note 4) of a minor—past, present, or future—the offending priest or deacon will be permanently removed from ministry, not excluding dismissal from the clerical state, if the case so warrants. In keeping with the stated purpose of this *Charter*, an offending priest or deacon will be offered professional assistance for his own healing and well-being, as well as for the purpose of prevention.
- In every case involving canonical penalties, the processes provided for in canon law must be observed (cf. *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995; cf. Letter from the Congregation for the Doctrine of the Faith, May 18, 2001). For the sake of due process, the accused is to be encouraged to retain the assistance of civil and canonical counsel. When necessary, the diocese/eparchy will supply canonical counsel to a priest or deacon.
- Also provided for in canon law are the following: a request by the priest or deacon for dispensation from the obligation of holy orders and the loss of the clerical state or a request by the bishop for dismissal from the clerical state even without the consent of the priest or deacon (cf. *Canonical Delicts*).
- If the penalty of dismissal from the clerical state has not been applied (e.g., for reasons of advanced age or infirmity), the offender ought to lead a life of prayer and penance. He will not be permitted to celebrate Mass publicly or to administer the sacraments. He is to be

instructed not to wear clerical garb or to present himself publicly as a priest.

- At all times, the diocesan bishop/eparch has the executive power of governance, through an administrative act, to remove an offending cleric from office, to remove or restrict his faculties, and to limit his exercise of priestly ministry. Because sexual abuse of a minor is a crime in all jurisdictions in the United States, for the sake of the common good and observing the provisions of canon law, the diocesan bishop/eparch shall exercise this power of governance to ensure that *any priest or deacon who has committed even one act of sexual abuse of a minor as described above shall not continue in active ministry.* [emphasis added]

Article 5 is very similar to, but not identical to, Norms 6 through 10 of the *Essential Norms*. For this reason, Article 5 has been interpreted in different ways within the Church and, therefore, presented some difficulties in adequately assessing compliance. Very few of the case referrals to the Congregation for the Doctrine of the Faith have been completed. In addition, to comply with state and commonwealth privacy laws, the auditors did not review personnel records.

Another area of confusion pertaining to Article 5 concerns whether priests or deacons who were found to have abused minors before they were ordained were subject to the removal actions described. This is an area where there should be no confusion, and victims/survivors (among others) see no distinction between the man who offended before ordination and the one who offends following ordination. Dioceses and eparchies must protect children and young people from all those who have abused in the past, regardless of their status at the time they offended.

Dioceses and eparchies, nonetheless, in every case, were able to articulate the procedures used, or that would be used to investigate and respond to allegations of sexual abuse of minors. If not already occurring, dioceses and eparchies were encouraged to be as open and transparent about these cases as possible, considering the confidentiality and privacy concerns of the victim and the offender.

## ARTICLE 6—STANDARDS OF CONDUCT

While the priestly commitment to the virtue of chastity and the gift of celibacy is well known, there will be clear and well-publicized diocesan/eparchial standards of ministerial behavior and appropriate boundaries for clergy and for any other church personnel in positions of trust who have regular contact with children and young people.

Most of the dioceses and some of the eparchies audited have established standards of ministerial behavior and appropriate boundaries for clergy and other church personnel who have regular contact with children and young people. Comments from some members of interested lay organizations indicated that the standards of behavior and boundaries were not well publicized. Although this article of the *Charter* does not specify whether the publication of the standards is to be internal or external, Articles 6 and 8 suggest that publication should be external.

## ARTICLE 7—COMMUNICATIONS POLICY

Each diocese/eparchy will develop a communications policy that reflects a commitment to transparency and openness. Within the confines of respect for the privacy and the reputation of the individuals involved, dioceses/eparchies will deal as openly as possible with members of the community. This is especially so with regard to assisting and supporting parish communities directly affected by ministerial misconduct involving minors.

Each diocese and eparchy has some type of communications policy, although many do not exist in written form. Auditors reviewed examples of public statements made by bishops and eparchs, in either the secular or religious media; viewed videotapes prepared by dioceses; and verified that some bishops had visited each parish directly affected by cases of sexual abuse of minors. Bishop Gerald R. Barnes, Diocese of San Bernardino (California), prepared a special bulletin and videotape. Bishops John M. D'Arcy, Diocese of Fort Wayne-South Bend (Indiana), and Bishop Howard J. Hubbard, Diocese of Albany (New York), prepared thoughtful, informative articles pertaining to abuse of minors and the response of the Church. Cardinal William H. Keeler,

Archdiocese of Baltimore, and Archbishop Thomas C. Kelly, OP, Archdiocese of Louisville (Kentucky), and others publicized the extent of instances of abuse within their respective dioceses as known to them.

The commitment to transparency and openness is crucial to furthering the public's understanding of this problem and the responsible steps being taken to prevent future acts of abuse. "Transparency and openness" are not further defined within the *Charter*, making the evaluation of a bishop/eparch's efforts somewhat subjective. While it is important to protect the privacy of the accused, it is more important to protect the vulnerable by providing the information necessary to do so. Communicating the positive, responsible actions taken by a diocese or eparchy to every parishioner is part of an ongoing process to restore confidence in the leadership of the Church relative to the protection of children and youth.

### **To Ensure the Accountability of Our Procedures**

#### **ARTICLE 8—OFFICE OF CHILD AND YOUTH PROTECTION**

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To assist in the consistent application of these principles and to provide a vehicle of accountability and assistance to dioceses/eparchies in this matter, we authorize the establishment of an Office of Child and Youth Protection at our national headquarters. The tasks of this Office will include (1) assisting individual dioceses/eparchies in the implementation of "safe environment" programs (see Article 12 below), (2) assisting provinces and regions in the development of appropriate mechanisms to audit adherence to policies, and (3) producing an annual public report on the progress made in implementing the standards in this *Charter*. This public report shall include the names of those dioceses/eparchies which, in the judgment of this Office, are not in compliance with the provisions and expectations of this *Charter*. This Office will have staffing sufficient to fulfill its basic purpose. Staff will consist of persons who are expert in the protection of minors; they will be appointed by the General Secretary of the Conference.

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The Office of Child and Youth Protection was established in the United States Conference of Catholic

Bishops (USCCB) in December 2002. The Office's executive director and deputy executive director have assisted dioceses and eparchies in the implementation of safe environment programs by preparing guidelines that have been widely used to select and establish such programs. Additional assistance was provided through a series of *Charter* Implementation Workshops conducted for all bishops and eparchs prior to the commencement of the onsite audits.

The development of appropriate mechanisms to audit adherence to *Charter* policies by the Office of Child and Youth Protection is described in detail in Chapter 2 of this report. The preparation of the annual report is complete with the acceptance of this document by the National Review Board and USCCB President, Bishop Wilton D. Gregory.

#### **ARTICLE 9—NATIONAL REVIEW BOARD**

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The work of the Office of Child and Youth Protection will be assisted and monitored by a Review Board, including parents, appointed by the Conference President and reporting directly to him. The Board will approve the annual report of the implementation of this *Charter* in each of our dioceses/eparchies, as well as any recommendations that emerge from this review, before the report is submitted to the President of the Conference and published. To understand the problem more fully and to enhance the effectiveness of our future response, the National Review Board will commission a comprehensive study of the causes and context of the current crisis. The Board will also commission a descriptive study, with the full cooperation of our dioceses/eparchies, of the nature and scope of the problem within the Catholic Church in the United States, including such data as statistics on perpetrators and victims.

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The National Review Board was established in June 2002 by USCCB President, Bishop Wilton D. Gregory. Frank J. Keating, former governor of Oklahoma, served as chair from June 2002 to June 2003. The Honorable Anne M. Burke, of Illinois, currently serves as interim chair. At present, the National Review Board has twelve members, who meet on a regular basis to perform the tasks delineated in Article 9, which include

commissioning the study of the “nature and scope” of the problem of sexual abuse of minors within the Catholic Church and the study of the “causes and context” of this crisis.<sup>7</sup>

The “nature and scope” study is a descriptive study of the magnitude of the problem of sexual abuse of minors within the Catholic Church in the United States. This study will include such data as statistics on perpetrators and victims. The USCCB, in adopting the *Charter*, promised that such a study would be conducted with the “full cooperation of our dioceses/eparchies.” Although the study is confidential, and no names of victims/survivors, offenders, or alleged offenders are sought, various legal issues arose in some states regarding the privacy of the subjects. Every attempt was made by the researcher, the John Jay College of Criminal Justice of the City University of New York, to work with individual dioceses and eparchies to complete the study’s survey instrument without violating the laws of any state or commonwealth. As a result of these cooperative efforts, the audit found a very high rate of response to the survey, with over 97 percent, of all dioceses and eparchies participating.

The dioceses and eparchies who did not participate in the survey are as follows:

- Diocese of Davenport (Iowa)
- Diocese of Fresno (California)
- Diocese of Lincoln (Nebraska)
- Diocese of Newton (Melkite-Greek Catholic)  
(Massachusetts)
- Diocese of Our Lady of Deliverance  
(New Jersey)
- Eparchy of St. Maron of Brooklyn (New York)

#### **ARTICLE 10—AD HOC COMMITTEE ON SEXUAL ABUSE**

The membership of the Ad Hoc Committee on Sexual Abuse will be reconstituted to include representation from all the episcopal regions of the country.

The Ad Hoc Committee on Sexual Abuse was established in 1993. There is some perception that the “ad hoc” description of this committee means that it exists to deal with a short-term problem. On the contrary, this Committee was responsible for creating the first national response to the problem of sexual abuse of children and young people within the Catholic

Church—the “Restoring Trust” program, which included principles that were later embodied in the *Charter*. This committee identifies and recommends methods that can provide for improved pastoral response to victims/survivors, promote accountability, protect children and young people, and ensure that accused clergy are afforded fair treatment and appropriate counsel.

The membership of the Ad Hoc Committee on Sexual Abuse was reconstituted in September 2002 to include representatives from all episcopal regions of the country. The Ad Hoc Committee on Sexual Abuse is chaired by Archbishop Harry J. Flynn, Archdiocese of St. Paul-Minneapolis (Minnesota).<sup>8</sup>

#### **ARTICLE 11—NOTIFICATION TO THE HOLY SEE**

The President of the Conference will inform the Holy See of this *Charter* to indicate the manner in which we, the Catholic bishops, together with the entire Church in the United States, intend to address this present crisis.

USCCB President, Bishop Wilton D. Gregory informed the Holy See of the adoption of this *Charter* in June 2002.

#### **To Protect the Faithful in the Future**

#### **ARTICLE 12—SAFE ENVIRONMENT PROGRAMS**

Dioceses/eparchies will establish “safe environment” programs. They will cooperate with parents, civil authorities, educators, and community organizations to provide education and training for children, youth, parents, ministers, educators, and others about ways to make and maintain a safe environment for children.

Knowledge about things that can be harmful is the key to safety for adults as well as children. Providing information about the various types of harm that can befall a child is a necessary part of safe environment training. The educational programs mandated in Article 12 complement the training provided by parents, public schools, and others. These educational programs are intended to inform adults about the signs that a child may be a victim of abuse or the signs that an adult may be an abuser. While the responsibility for the safety of the child rests with the adult, the intent of safety training for children is to help him or her recognize when the behavior of another is wrong and what to do if it occurs.

This audit process found that most dioceses and some eparchies have implemented training programs for adults. Some dioceses have implemented training programs for children and young people; and others were found to have selected but not yet implemented them. Including these training programs in Catholic schools curricula is much easier than adapting the material for weekly religious education classes. For this reason, a number of dioceses and eparchies have not completed this aspect of the safe environment program but are expected to do so in the near future. Many dioceses and eparchies have made significant progress in the past several months to implement these programs despite limited resources, personnel, and large numbers of individuals to be trained in one or more languages.

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Dioceses/eparchies will make clear to clergy and all members of the community the standards of conduct for clergy and other persons in positions of trust with regard to sexual abuse.

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This portion of Article 12 was reviewed concurrently with Article 6—Standards of Conduct.

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#### **ARTICLE 13—BACKGROUND INVESTIGATIONS**

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Dioceses/eparchies will evaluate the background of all diocesan/eparchial and parish personnel who have regular contact with minors. Specifically, they will utilize the resources of law enforcement and other community agencies.

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Some dioceses had required background investigations of personnel well before it was mandated by the *Charter*. Since the *Charter*'s adoption in June 2002, dioceses and eparchies have looked for the most comprehensive and affordable systems that comply with the privacy and employment laws of their state or commonwealth. There is no national standard for background investigations. Most dioceses and eparchies have found ways to conduct background investigations that can identify persons who clearly present a risk to the safety of children and youth. Auditors were provided with examples of individuals previously employed by the Church who were discovered to have undisclosed prior histories of

criminal behavior, demonstrating the importance of this aspect of the safe environment program.

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In addition, they will employ adequate screening and evaluative techniques in deciding the fitness of candidates for ordination (cf. National Conference of Catholic Bishops, *Program of Priestly Formation*, 1993, no. 513).

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All dioceses and eparchies with seminaries within their territories have some type of screening and evaluation techniques for determining the fitness of candidates for ordination. It was beyond the scope of this audit to determine if the screening and evaluation techniques are effective.

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#### **ARTICLE 14—TRANSFER OF CLERGY**

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No priest or deacon who has committed an act of sexual abuse of a minor may be transferred for ministerial assignment to another diocese/eparchy or religious province.

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There have been instances in the past in which priests or deacons who sexually abused minors were transferred to another diocese/eparchy or religious province. If bishops and eparchs do not receive sufficient information about a man's past with regard to allegations of findings of abuse, they will be unable to assign and supervise him appropriately, notwithstanding the inherent risk the man presents to minors. Article 14 assumes that a bishop/eparch will have knowledge of whether a particular priest or deacon has committed an act of sexual abuse of a minor. In those instances where these facts are known—hopefully, in all cases—the individual is *not* to be transferred for ministry.

Differences of opinion were found among some bishops and eparchs as to what constitutes “ministry.” To some, “ministry” means representing oneself as an ordained member of the Church; to others, it means any ordained minister who has an employment arrangement with the Church. The auditors were unable to review personnel files to verify that no priests or deacons in this category had been transferred for ministry, but relied primarily on the information provided by the diocese/eparchy. The

results of this audit indicate that from June 2002 to the dates of the individual diocesan/eparchial, no priests or deacons who had committed an act of sexual abuse of a minor were transferred for ministry. There were instances of priests who had committed an act of sexual abuse of a minor who had relocated for residence to another diocese/eparchy. Where not already provided, bishops and eparchies were instructed to provide the relevant background information to the bishop/eparch of the diocese of residence.

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Before a priest or deacon can be transferred for residence to another diocese/eparchy or religious province, his bishop/eparch or religious ordinary shall forward, in a confidential manner, to the local bishop/eparch and religious ordinary (if applicable) of the proposed place of residence any and all information concerning any act of sexual abuse of a minor and any other information that he has been or may be a danger to children or young people. (Cf. National Conference of Catholic Bishops and Conference of Major Superiors of Men, *Proposed Guidelines on the Transfer or Assignment of Clergy and Religious*, 1993.)

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The lack of a definition of “residence” sometimes created confusion, because some priests and deacons “reside” in more than one location or “reside temporarily” in a particular location.

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#### **ARTICLE 15—COORDINATION BETWEEN THE AD HOC COMMITTEE ON SEXUAL ABUSE AND THE CONFERENCE OF MAJOR SUPERIORS OF MEN**

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The Ad Hoc Committee on Sexual Abuse and the Officers of the Conference of Major Superiors of Men will meet to determine how this *Charter* will be conveyed and established in the communities of religious men in the United States. Diocesan/eparchial bishops and major superiors of clerical institutes or their delegates will meet periodically to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute ministering in a diocese/eparchy.

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The coordination between the Ad Hoc Committee on Sexual Abuse and the officers of the Conference of Major Superiors of Men is ongoing. Similarly, bishops

and eparchs have met with major superiors of clerical institutes to coordinate their roles concerning the issue of allegations made against a cleric member of a religious institute who is ministering in a diocese or eparchy.

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#### **ARTICLE 16—COOPERATIVE RESEARCH**

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Given the extent of the problem of the sexual abuse of minors in our society, we are willing to cooperate with other churches and ecclesial communities, other religious bodies, institutions of learning, and other interested organizations in conducting research in this area.

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The audit found that only a few dioceses and eparchies have had an opportunity to cooperate with others in conducting research in the area of sexual abuse of minors, including the Archdiocese of Seattle (Washington) and the Dioceses of Galveston-Houston (Texas) and San Jose (California). The willingness of the dioceses and eparchies to participate in research appears not to be well known among social scientists or in other faith communities.

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#### **ARTICLE 17—FORMATION PROGRAMS**

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We pledge our complete cooperation with the Apostolic Visitation of our diocesan/eparchial seminaries and religious houses of formation recommended in the Interdicasterial Meeting with the Cardinals of the United States and the Conference Officers in April 2002. Unlike the previous visitation, these new visits will focus on the question of human formation for celibate chastity based on the criteria found in *Pastores Dabo Vobis* [John Paul II, post-synodal apostolic exhortation *I Will Give You Shepherds* (1992)]. We look forward to this opportunity to strengthen our priestly formation programs so that they may provide God's people with mature and holy priests.

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The Office of Child and Youth Protection has been informed that the date of the Apostolic Visitation of diocesan/eparchial seminaries and houses of formation has not been established.

Dioceses/eparchies will develop systematic ongoing formation programs in keeping with the recent Conference document *Basic Plan for the Ongoing Formation of Priests* (2001) so as to assist priests in their living out of their vocation.

All of the dioceses and eparchies that were audited had ongoing formation plans for priests. Evaluating the quality of these programs was beyond the scope of this audit.

## SUMMARY

Significant progress has been made by the Catholic bishops and eparchs of the United States, as measured by the compliance audit process described in Chapter 2. Since the adoption of that guiding document in June 2002, hundreds of diocesan and eparchial personnel have dedicated untold hours and resources toward implementing the *Charter*. Some dioceses and eparchies have exceeded expectations by fully implementing the *Charter* and establishing themselves as role models for other dioceses and eparchies. For a variety of reasons such as limited resources, personnel shortages, and lack of direction, some dioceses and eparchies will have to take additional actions to be fully compliant with the entire *Charter*.

## Notes

- 1 USCCB, *Charter for the Protection of Children and Young People*, in *Promise to Protect, Pledge to Heal* (Washington, DC: USCCB, 2003).
- 2 Eight dioceses and eparchies with unaddressed Instructions received 36 (27 percent) of the total Instructions issued.
- 3 Articles 8, 10, and 11 are not subject to this audit.
- 4 *Charter*, p. 20: "Sexual abuse of a minor includes sexual molestation or sexual exploitation of a minor and other behavior by which an adult uses a minor as an object of sexual gratification. Sexual abuse has been defined by different civil authorities in various ways, and these norms do not adopt any particular definition provided in civil law. Rather, the transgressions in question relate to obligations arising

from divine commands regarding human sexual interaction as conveyed to us by the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO, c. 1453 §1). Thus, the norm to be considered in assessing an allegation of sexual abuse of a minor is whether conduct or interaction with a minor qualifies as an external, objectively grave violation of the sixth commandment (USCCB, *Canonical Delicts Involving Sexual Misconduct and Dismissal from the Clerical State*, 1995, p. 6). A canonical offense against the sixth commandment of the Decalogue (CIC, c. 1395 §2; CCEO, c. 1453 §1) need not be a complete act of intercourse. Nor, to be objectively grave, does an act need to involve force, physical contact, or a discernible harmful outcome. Moreover, "imputability (moral responsibility) for a canonical offense is presumed upon external violation . . . unless it is otherwise apparent" (CIC, c. 1321 §3; CCEO, c. 1414 §2). Cf. CIC, cc. 1322-1327, and CCEO, cc. 1413, 1415, and 1416. If there is any doubt about whether a specific act fulfills this definition, the writings of recognized moral theologians should be consulted and the opinion of a recognized expert be obtained (*Canonical Delicts*, p. 6). Ultimately, it is the responsibility of the diocesan bishop/eparch, with the advice of a qualified review board, to determine the gravity of the alleged act."

- 5 *Charter for the Protection of Children and Young People*, Article 1. All subsequent quotations are from the articles referenced.
- 6 *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, in *Promise to Protect, Pledge to Heal* (Washington, DC: USCCB, 2003).
- 7 The other members of the National Review Board are Robert S. Bennett, Esq.; Michael Bland, Psy.D., D.Min.; Mr. William R. Burleigh; Justice Anne M. Burke; Nicholas Cafardi, Esq.; Mrs. Jane Chiles; Alice Bourke Hayes, Ph.D.; Pamela D. Hayes, Esq.; Paul R. McHugh, M.D.; Justice Petra Jimenez Maes; Honorable Leon Panetta; and Mr. Ray Siegfried.
- 8 In addition to Archbishop Harry J. Flynn, DD, as committee chair, the members of the Ad Hoc Committee on Sexual Abuse are as follows: Archbishop Stefan Soroka, Bishop Robert J. Baker, Bishop Stephen E. Blaire, Bishop Blase J. Cupich, Bishop Thomas G. Doran, Bishop Joseph A. Galante, Bishop John R. Gaydos, Bishop Howard J. Hubbard, Bishop William E. Lori, Bishop W. Francis Malooly, Bishop James A. Murray, Bishop George H. Neiderauer, Bishop Thomas J. Rodi, and Bishop Robert F. Vasa.

## CHAPTER FOUR

# Recommendations

The compliance audit process served to measure the progress of each bishop and eparch in the United States in implementing the provisions of the *Charter for the Protection of Children and Young People* ("the *Charter*").<sup>1</sup> Other important results of this process were the identification of additional actions that may help to create safer environments within church settings, the ability to provide a higher quality of response to victims/survivors and their families, and the establishment of a model for future accountability. The responsibilities of the Office of Child and Youth Protection are commensurate with these goals, and many of the recommendations described in this chapter relate directly to those mandates.

As a result of the audit process, an additional study and future audit procedures were also indicated. General recommendations to address the problem of sexual abuse of minors by some members of the Catholic clergy, delineated in Chapter 1, are explained below, along with the recommendations pertaining to specific articles of *Charter*. The recommendations were generated by auditors and diocesan personnel and from suggestions received from victims/survivors, interested members of the Church, and social service and law enforcement professionals. The recommendations listed below represent some ways in which the *Charter* may be more effectively and efficiently implemented.

### **GENERAL RECOMMENDATIONS TO ADDRESS THE PROBLEM OF SEXUAL ABUSE OF MINORS BY SOME MEMBERS OF THE CATHOLIC CLERGY**

#### **Implementation of the *Charter* at the Parish Level**

The audit process was designed to measure progress in implementing the *Charter* at the diocesan or eparchial level. Some articles of the *Charter* require specific

actions that can only be taken by the bishop or eparch or by his designee. Other articles, however, mandate actions that must be taken throughout the diocesan or eparchial structure: that is, in the parishes, schools, and other facilities. This is particularly important because children and young people are most involved in church activities at the parish level. In the past, victims and survivors of sexual abuse have often reported instances of abuse to their parish pastor. Individuals who are unfamiliar with the administrative roles and responsibilities of diocesan or eparchial personnel are more likely to contact their pastor or an empathetic staff member before contacting a diocesan or eparchial official.

Though the parish role was not specifically measured by the audit process, the concepts and mandates of the *Charter* and the role of the pastor and his staff appear not to be widely known at the parish level. Pastoral outreach, which can be effectively conducted between a priest and victim/survivor, has been limited for several reasons. Some pastors and their priests are not trained for or comfortable with ministering to victims/survivors. Others have not recognized that they can, and should, be a part of the healing process. One priest explained the hesitancy of some of his peers about conducting outreach with victims/survivors as resulting from the fear of being falsely accused.

It has long been recognized that the magnitude of the problem of sexual abuse of minors requires a societal response. Preventing future acts of abuse in church settings must have the involvement of the laity, especially at the parish level. During the past year, many dioceses and eparchies, the National Review Board, and the Office of Child and Youth Protection have been contacted by Catholics wishing to help victims/survivors and their Church. These generous parishioners have been encouraged to work with their pastors, priests, and parish leaders to help implement safe environment programs and to provide assistance to victims/survivors where possible.



**IT IS RECOMMENDED** (a) that the Office of Child and Youth Protection prepare guidelines for dioceses and eparchies regarding methods for integrating all aspects of the *Charter* at the parish level; (b) that where this integration does not already exist, bishops and eparchs take affirmative steps to involve the laity and the clergy in creating safe environments and providing pastoral care to victims/survivors of child sexual abuse; and (c) that a mechanism be established to audit the participation of the parishes in the implementation of the *Charter*.

### **Evaluating the Effectiveness of the *Charter***

Protecting the faithful in the future by preventing acts of abuse is the objective underlying Articles 12 through 17. This audit process measured activity undertaken to meet or exceed the requirements of the *Charter*. Providing education regarding safety, conducting background investigations of personnel who work with youth, and establishing and enforcing codes of conduct are actions that are predicted to contribute to a reduction in the number of cases of abuse. These programs are in various stages of development and implementation throughout the dioceses and eparchies, thus precluding a reasonable review of their effectiveness at this time. The importance of knowing whether these measures are effective requires an independent program evaluation at an appropriate time in the future. The evaluation should include a review of the educational programs by professional educators and an accurate accounting of the number of new allegations received.

The research study of the “nature and scope” of the problem of sexual abuse of minors by Catholic clergy currently being conducted will provide baseline data regarding the number of incidents of sexual abuse over a 52-year period and when they occurred. Through future annual counting of the numbers of new cases reported, whether they occurred recently or in the past, the question of whether *Charter* policies and programs are having a positive impact or not can be answered with some degree of confidence.

**IT IS RECOMMENDED** (a) that the Ad Hoc Committee on Sexual Abuse and the Office of Child and Youth Protection identify and institute effectiveness measurements for safe environment programs, to be

conducted no later than 2006; and (b) that each diocese and eparchy provide to the Office of Child and Youth Protection and the National Review Board, on an annual basis, the number of allegations of sexual abuse reported during that year, and the disposition of each case.

### **Analysis of Risk of Future Incidents of Sexual Abuse of Minors**

In the near future, as in no other time in its past, the United States Conference of Catholic Bishops (USCCB) will have a substantial amount of information pertaining to the crisis of sexual abuse of minors. The knowledge gleaned from this first audit process, the data generated from the descriptive study on the incidence of sexual abuse from 1950 to 2002, and the material gathered by the National Review Board will provide a foundation from which to begin to conduct a risk analysis. With the completion of the study on the “causes and context” of the problem, the USCCB will be well situated to invite a professional assessment of future risk.

Bishops and eparchs must continuously evaluate the possibilities that known abusers will re-offend or that another clergy member will be accused of sexually abusing a minor. The *Charter* does not specify a supervision or monitoring program for clergy who have offended or who are accused of offending. The related issues of spiritual care and sustenance present many difficult decisions for church leaders. The Ad Hoc Committee on Sexual Abuse continues to provide guidance to the USCCB in this regard.

**IT IS RECOMMENDED** (a) that the Ad Hoc Committee on Sexual Abuse and the Bishops’ Committee on Priestly Life and Ministry continue to assist bishops and eparchs in determining the appropriate supervision and sustenance that should be provided to priests and deacons who have abused minors; and (b) that the Ad Hoc Committee on Sexual Abuse prepare and distribute a communication suitable for interested parishioners regarding the oversight and support afforded to clergy who have abused minors.

There are instances of clergy who, after being accused of sexually abusing a minor (or, in some cases, an adult), cannot be located. Each of these individuals

should be held to answer these accusations, but the greater concern is that they may be a danger to a minor. Therefore, every possible attempt must be made to locate the alleged perpetrator and direct him back to the proper venue to respond to the complaint. This is even more critical when outstanding criminal or civil charges exist.

**IT IS RECOMMENDED** that each bishop and eparch make every effort possible to locate priests or deacons who have left their jurisdictions, to include notifying other members of the USCCB and cooperating with civil authorities.

**IT IS RECOMMENDED** that the Bishops' Committee on Priestly Life and Ministry evaluate methods to better identify members of the clergy, including their status in ministry, residence, and assignment history.

### **Training and Best Practices**

Throughout the audit process and during conversations with diocesan and eparchial staff participating in implementing the *Charter*, training courses, materials, and information on best practices were frequently requested. Many excellent examples of victim assistance programs, safe environment practices, review board procedures, pastoral outreach, and communications methods exist within the dioceses and eparchies. For example, the Archdiocese of Chicago (Illinois) has conducted conferences for victim assistance personnel from throughout the country, and victim assistance coordinators in the northeastern states and in California meet on a regular basis. The expense of training can be reduced by conducting regional sessions that utilize the expertise and skills of successful diocesan and eparchial managers and generous lay professionals.

**IT IS RECOMMENDED** that the Office of Child and Youth Protection develop and implement training programs for diocesan review board members and safe environment coordinators and work with the Archdiocese of Chicago to provide training to victim assistance coordinators throughout the country.

### **Written Standards, Guides, and Manuals**

Other than the language of the *Charter*, the intent of its creators, and the "Safe Environment Guidelines" produced by the Office of Child and Youth Protection, written standards for the implementation of the *Charter* do not exist. More specific, documented guidance would have greatly assisted the dioceses and eparchies as well as the auditors. Much has been learned during the first audit cycle that would be helpful in preparing these types of documents for future use.

**IT IS RECOMMENDED** that the Ad Hoc Committee on Sexual Abuse and the Office of Child and Youth Protection prepare guidelines to assist bishops, eparchs, and their staffs in implementing the *Charter*.

### **Standardization of Documents, Record-Keeping Systems, and Checklists**

The types of documents used and the manner in which records are maintained in dioceses and eparchies pertaining to the *Charter* vary greatly. Consequently, the auditors were unable to review common documents that would have allowed for more consistent information gathering. Some recommended formats relating to the canonical processes associated with Article 5 and the *Essential Norms* have recently been prepared. Similar forms would be of value in ensuring that all necessary information is gathered during the complaint and investigation process and would facilitate better oversight and auditing. The creation of written protocols or checklists would contribute to greater efficiencies in responding to instances of abuse.

**IT IS RECOMMENDED** that the Ad Hoc Committee on Sexual Abuse and the Office of Child and Youth Protection identify model forms, checklists, and record-keeping systems pertaining to implementation of the *Charter* and provide them to all dioceses and eparchies.

### **Review of the Charter for the Protection of Children and Young People**

The *Charter* has proven to be effective in generating activity throughout the dioceses and eparchies in the United States for the protection of children and young people, for implementing better ways to respond to

victims/survivors, and for addressing allegations of abuse. While the *Charter's* value in reducing the instances of sexual abuse of minors by Catholic clergy remains to be determined, the existence of the *Charter* does much more than delineate practices and policies. By calling for public accountability, the USCCB has taken the unprecedented step of allowing the laity to review their management of this crisis. This type of public review is a necessary step in addressing this crisis in the Church.

Much of the *Charter* is written in general terms, which provides bishops and eparchs with the flexibility necessary to tailor programs to fit the needs of their respective faith communities. Some articles of the *Charter*, particularly Articles 2 and 5, are not identical to the particular canon law embodied in the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* ("the *Essential Norms*").<sup>2</sup> Clarification of some aspects of the *Charter*, particularly those that are most closely related to the *Essential Norms*, would assist the laity in more clearly understanding the elements of both documents. It is important that this *Charter*, or an updated version, be the essential guide for responses to, and care of, victims/survivors.

**IT IS RECOMMENDED** that the USCCB and the National Review Board consider the results of this audit during the 2004 review of the *Charter*.

## **RECOMMENDATIONS REGARDING IMPLEMENTATION OF THE CHARTER BY ARTICLE**

The 52 recommendations listed below are derived from the analysis of the audit results as well as from suggestions of victims/survivors, laity, and clergy. Some of the recommendations have already been instituted in various dioceses and eparchies and some are being developed. There are no recommendations pertaining to Articles 3, 9, 10, and 11.

## **To Promote Healing and Reconciliation with Victims/Survivors of Sexual Abuse of Minors**

### **ARTICLE I—HEALING, OUTREACH, AND RECONCILIATION**

**1.1** It is recommended that each pastoral outreach program be reviewed to ensure that it includes true "outreach," that is, a specific offer to meet with victims/survivors and their families, in a suitable, non-litigious atmosphere.

**1.2** It is recommended that bishops and eparchs, if they have not already done so, identify all individuals who have made allegations of child or youth sexual abuse by a member of the Catholic clergy but who have not met with a bishop, eparch, or his designee, and that the bishop or eparch contact each individual and ask for a meeting.

**1.3** It is recommended that bishops and eparchs continue to encourage victims/survivors to come forward through periodic public announcements.

**1.4** It is recommended that bishops, eparchs, or their delegates extend outreach to priests, deacons, and parish employees who are particularly impacted by instances of sexual abuse committed by a colleague.

**1.5** It is recommended that dioceses and eparchies who have not already done so establish outreach to "vulnerable adults" who may be victims of sexual abuse by clergy and include these individuals in diocesan/eparchial sexual abuse policies.

**1.6** It is recommended that victim assistance coordinators reach out to victim support groups for purposes of offering pastoral care and services as well as to maintain positive lines of communication.

**1.7** It is recommended that dioceses and eparchies explore the use of, or cooperation with, public sexual assault centers to provide services to victims/survivors and their families.

**1.8** It is recommended that dioceses and eparchies support and encourage further research into effective therapies for victims of sexual abuse.

**ARTICLE 2—RESPONSE AND REPORTING**

2.1 It is recommended that diocesan attorneys or others who might be in a position to investigate or evaluate allegations of sexual abuse *not* be assigned as victim assistance coordinators.

2.2 It is recommended that every diocese and eparchy establish a procedure for a prompt response to allegations of sexual abuse by the victim assistance coordinator utilizing paging or cell-phone technology.

2.3 It is recommended that, where feasible, individuals be able to contact necessary diocesan personnel or assistance coordinators in a location other than a parish or diocesan office.

2.4 It is recommended that all diocesan and eparchial websites and parish bulletins contain easily located information pertaining to the procedures for reporting instances of sexual abuse by a member of the clergy, church employee, or volunteer.

2.5 It is recommended that the diocesan attorney and victim assistance coordinator *not* be voting members of the diocesan/eparchial review board.

2.6 It is recommended (a) that, in those instances where an investigation is required that is not or cannot be conducted by a law enforcement agency, the diocese or eparchy utilize the services of an investigator who is cognizant of the unique aspects of sexual abuse cases and sensitive to the needs of the victims; and (b) that the investigator report to but not be a part of the review board.

2.7 It is recommended that a bishop/eparch allow his review board the opportunity to consider issues outside of his presence, if that does not already occur.

2.8 It is recommended that victims/survivors and accused clergy be allowed to meet with the review board separately.

2.9 It is recommended that during the review of the *Charter* and the *Essential Norms* consideration be given to adding a provision allowing for the prompt resolution

of investigations and for the complainant to be advised of the results of the investigation in a timely manner.

2.10 It is recommended that the victim assistance coordinator support the complainant through the review board process and keep them apprised of actions taken or anticipated.

2.11 It is recommended that review boards evaluate all past cases of abuse to assist the bishop/eparch in determining fitness for ministry, based on the criteria set forth in Article 5 of the *Charter*.

2.12 It is recommended that the Ad Hoc Committee on Sexual Abuse and the Bishops' Committee for Canonical Affairs of the USCCB develop standards for review board deliberations.

2.13 It is recommended that the Ad Hoc Committee on Sexual Abuse and the Office of Child and Youth Protection identify model review board practices and incorporate them into a training program for review board members.

2.14 It is recommended that bishops and eparchs make greater use of their review boards to address the many issues relating to the sexual abuse of minors.

**To Guarantee an Effective Response to Allegations of Sexual Abuse of Minors****ARTICLE 4—REPORTING AND COOPERATION**

4.1 It is recommended that dioceses and eparchies report all allegations of abuse of minors, whether or not the allegation falls within the criminal statutes of the state or commonwealth, unless an agreement to the contrary exists between the diocese or eparchy and the prosecuting agency.

4.2 It is recommended that victims be provided information in writing pertaining to their right to report instances of abuse to civil authorities and describing the diocesan/eparchial process for addressing their complaints.

4.3 It is recommended that dioceses and eparchies memorialize agreements with public authorities

regarding the reporting of cases in which the person is no longer a minor.

#### **ARTICLE 5—PRELIMINARY INVESTIGATION AND ACTIONS**

5.1 It is recommended that once advised of an allegation against him, the accused priest or deacon will be informed of the procedures to be followed during the investigation and he will be kept abreast of the development of the investigation with due regard for the norm of canon law.

5.2 It is recommended that, in instances of unfounded allegations, the bishop or eparch work with the accused cleric, and with lay leaders if feasible, to determine effective ways to restore his good name (e.g., through parish visits, letters, and public statements).

5.3 It is recommended that the Ad Hoc Committee on Sexual Abuse clarify the meaning of “prayer and penance” as described in Article 5, including to whom it should apply.

5.4 It is recommended that bishops and eparchs ensure the enforcement of the application of “precautionary measures” found in the *Code of Canon Law*, canon 1722: as well as ensuring that priests who are defendants in a criminal case involving sexual abuse of a minor do not present themselves in clerical garb.

5.5 It is recommended that the bishops and eparchs prepare and distribute to interested parishioners informative material regarding the canonical process utilized to address allegations of sexual abuse of minors.

#### **ARTICLE 6—STANDARDS OF CONDUCT**

6.1 It is recommended that codes of conduct be published and publicized in relevant languages in an appropriate medium and that pastors and priests be involved in educating parishioners about these standards.

6.2 It is recommended that codes of conduct be acknowledged in writing.

6.3 It is recommended that failure to abide by codes of conduct have enforced consequences.

#### **ARTICLE 7—COMMUNICATIONS POLICY**

7.1 It is recommended that the Ad Hoc Committee on Sexual Abuse provide additional guidance to bishops and eparchs regarding the standards for openness and transparency, particularly with regard to releasing the names of individuals, whether living or deceased, who are accused of acts of sexual abuse against minors.

#### **To Ensure Accountability of Our Procedures**

#### **ARTICLE 8—OFFICE OF CHILD AND YOUTH PROTECTION**

8.1 It is recommended that the Ad Hoc Committee on Sexual Abuse and the National Review Board periodically evaluate the work of the Office of Child and Youth Protection to ensure that it is effectively meeting its mandate and to identify ways in which the Office can be of additional assistance to dioceses and eparchies in implementing and abiding by the provisions of the *Charter*.

8.2 It is recommended that the Bishops’ Committee for Canonical Affairs advise the National Review Board and the public, through an appropriate document, of the way in which the members of the USCCB intend to hold themselves accountable for adherence to the *Essential Norms*.

#### **To Protect the Faithful in the Future**

#### **ARTICLE 12—SAFE ENVIRONMENT PROGRAMS**

12.1 It is recommended that specific responsibility be affixed within dioceses and eparchies for the implementation of various aspects of the safe environment program.

12.2 It is recommended that reviews of safe environment educational programs, now or in the future, include school administrators and interested parents.

12.3 It is recommended that safe environment educational materials be provided in relevant languages.

**ARTICLE 13—BACKGROUND EVALUATIONS**

13.1 It is recommended that background investigations be coordinated at the diocesan level.

13.2 It is recommended that the dioceses and eparchies address concerns about privacy issues with employees and volunteers relative to background investigations.

13.3 It is recommended that the Office of Child and Youth Protection assist dioceses and eparchies in establishing standard thresholds for background investigations and in identifying high-quality, cost-effective systems.

13.4 It is recommended that the USCCB Bishops' Committee on Priestly Formation evaluate, with the assistance of appropriate professionals, the screening and evaluative techniques described in the *Program of Priestly Formation* (1993, no. 513) in light of new information pertaining to the incidence of sexual abuse of minors by priests and deacons.

13.5 It is recommended that the Office of Child and Youth Protection assist the Bishops' Committee on Priestly Life and Ministry in identifying additional ways to ensure that priests from foreign countries who are accepted for ministry within the United States have not been accused or been found to have committed an act of sexual abuse.

**ARTICLE 14—TRANSFER OF CLERGY**

14.1 It is recommended that the Ad Hoc Committee on Sexual Abuse and the Bishops' Committee on Priestly Life and Ministry clarify the definitions of ministry and residence.

14.2 It is recommended that bishops and eparchs ensure that they have identified and located all priests and deacons who have admitted an act of sexual abuse of a minor, or who have been found by an appropriate process in accord with canon law to have committed such an act, and that they have implemented the measures set forth in the *Charter*.

14.3 It is recommended that the USCCB and the Conference of Major Superiors of Men resolve the issue

regarding notification of transfers of clergy for residence if no faculties are requested.<sup>3</sup>

**ARTICLE 15—MEETINGS BETWEEN BISHOPS AND MAJOR SUPERIORS OF MEN**

15.1 It is recommended that the USCCB and Conference of Major Superiors of Men share best practices regarding their respective compliance audit and accreditation processes.

**ARTICLE 16—COOPERATIVE RESEARCH**

16.1 It is recommended that victim assistance coordinators identify ongoing, proposed, or future studies regarding the problem of child and youth sexual abuse in their communities and determine if diocesan or eparchial participation would be of value.

**ARTICLE 17—FORMATION PROGRAMS**

17.1 It is recommended that the Apostolic Visitation of diocesan/eparchial seminaries and religious houses of formation include the assistance of relevant lay professionals.

17.2 It is recommended that the results of the Apostolic Visitation be published and distributed to interested parishioners.

17.3 It is recommended that the USCCB prepare a communication for interested parishioners that describes the *Basic Plan for the Ongoing Formation of Priests* in order to promote greater understanding of the efforts being made to ensure that clergy are aware of the problem and impact of child and youth sexual abuse in society.

**RECOMMENDATION FOR ADDITIONAL STUDY**

A complete survey of all known victims/survivors of sexual abuse by members of the Catholic clergy was not conducted for a variety of reasons. Because the audit measured compliance with the *Charter*, only those victims/survivors who reported abuse after its adoption were interviewed. There was insufficient time in this audit process to speak with every victim/survivor who

met the interview criteria. The information gathered in this process appeared to be candid and valuable in identifying both effective and ineffective responses to victims/survivors. However, victims/survivors who reported their abuse to dioceses and eparchies prior to June 2002 may not have received the pastoral approach and attention described in the *Charter*. More important, many who had previously reported abuse may have differing insights and perspectives that, if shared, will improve the manner in which victims/survivors are dealt with in the future.

**IT IS RECOMMENDED** that the USCCB sponsor an external study of (voluntary) victims/survivors for the purpose of identifying better methods for responding to complaints of sexual abuse by clergy or other church personnel.

### **RECOMMENDATION FOR FUTURE ACCOUNTABILITY**

Article 8 of the *Charter* directs the Office of Child and Youth Protection to prepare an annual report of the level of compliance and progress made by each diocese and eparch in implementing the provisions of the *Charter*. An annual report for 2004 will be prepared.

**IT IS RECOMMENDED** that the audit procedure utilized in 2003 be repeated in 2004.

The audit process, if augmented by an annual accounting of new allegations received, whether the abuse occurred recently or in the past, will provide a clearer picture as to the success of the Catholic Church in reducing the incidence of sexual abuse of minors by clergy members.

**IT IS RECOMMENDED** (a) that future annual reports contain the number of allegations of sexual abuse of minors reported during the year, the number of actions taken against clergy as the result of an admitted or established act of abuse, the number of victims, and the financial costs; and (b) that these data be gathered and maintained by the Office of Child and Youth Protection.

The ability to implement long-term recommendations for accountability is dependent upon the life of the *Charter*. The *Charter*, in its present form, represents the commitment of the USCCB for public accountability with regard to its implementation. Failing to create a long-term plan for accountability and response to the crisis of sexual abuse of children and youth would undermine the substantial efforts that have been made thus far. A short-term solution would be perceived as insensitive to the lifelong pain suffered by victims and as showing an unwillingness to recognize that cases of such abuse remain unreported or could occur in the future.

It is recommended that the Ad Hoc Committee and the National Review Board develop a long-term plan for accountability by the members of the USCCB with the provisions of the *Charter* or any succeeding documents or programs.

### **SUMMARY**

Neither this audit process nor the full and complete implementation of the *Charter* will provide a total guarantee that there will never be another case of child or youth sexual abuse committed by a member of the Catholic clergy. However, the continuous efforts of bishops, eparchs, clergy, religious, and the laity to address this problem will foster a greater degree of confidence that children and young people will be safe and secure in environments in the Catholic Church of the United States.

### **Notes**

- 1 USCCB, *Charter for the Protection of Children and Young People*, in *Promise to Protect, Pledge to Heal* (Washington, DC: USCCB, 2003).
- 2 Cf. *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons*, in *Promise to Protect, Pledge to Heal*.
- 3 "Faculties" are the authorization of a bishop or eparch for a member of the clergy to conduct ministry within the diocese or eparchy.